

Message Text

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ACTION SS-25

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TO SECSTATE WASHDC 8058

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EXDIS

E.O. 11652: N/A
TAGS: CARR, SHUM, BL
SUBJECT: TEXT OF LETTER TO SENATOR CHURCH

FOLLOWING IS TEXT OF MY LETTER TO SENATOR CHURCH. ORIGINAL
BEING POUCHED TO ARA/AND/B FOR DELIVERY, ASSUMING DEPARTMENT
SEES NO OBJECTION.

DEAR SENATOR CHURCH:
NOW THAT I HAVE BEEN IN BOLIVIA AS US AMBASSADOR FOR FOUR
WEEKS, I WANTED TO GIVE YOU A PRIVATE AND PERSONAL REPORT
ON MY IMPRESSIONS AND ON WHAT WE HAVE BEEN ABLE TO ACHIEVE
SO FAR WITH REGARD TO OUR MUTUAL CONCERN, THE PLIGHT OF
AMERICAN PRISONERS IN BOLIVIA.

I HAVE NOW VISITED ALL AMERICAN PRISONERS IN BOLIVIA AND HAD
A LONG AND PRIVATE WITH CHAT WITH THOSE--VIRTUALLY ALL OF THEM--
WHO WANTED TO SEE ME ALONE. NONE OF THE PRISONERS AISED
ALLEGATIONS OF CURRENT MISTREATMENT. THIS SEEMS
TO BE A PROBLEM OF THE PAST, AND UR PROGRAM OF VISITING
ALL PRISONERS AT LEAST ONCE A WEEK SHOULD HELP ASSURE
THAT THIS PROBLEM DOES NOT OCCUR IN THE FUTURE. ALSO,
WHATEVER ALLEGATIONS HAVE BEEN MADE IN THE PAST OF INSEN-
SITIVITY AND INADEQUATE ATTENTION BY EMBASSY PERSONNEL,
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WE NOW HAVE INCREASED, FIRST-CLASS CONSULAR PERSONNEL
WHO CARE A GREAT DEAL ABOUT THE PRISONERS AND ARE WORKING
VERY HARD, AT CONSIDERABLE PERSONAL SACRIFICE, ON THEIR
BEHALF. I FIND THAT THIS IS WIDELY RECOGNIZED AND
APPRECIATED BY THE PRISONERS THEMSELVES. WE NOW HAVE
THREE FULL-TIME CONSULAR OFFICERS IN LA PAZ, A SUPERB CONSULAR
AGENT IN SANTA CRUZ, AND A NEW ONE IN COCHABAMBA WHOM I HAVE

JUST APPOINTED. (AT ONE POINT THIS EMBASSY HAD ONLY ONE FULL-TIME CONSULAR OFFICER.)

I HAD A GOOD TALK WITH FRANK "TOM" MCGINNIS WHO LOOKS GOOD, AND IS BEGINNING TO FEEL SOME OF THE SHOT F OPTIMISM AD HOPE THAT THE CURRENT STATE OF HIS CASE INCITES. THE PROECUTOR HAS RECOMENDED ABSOLUTION FOR TOM AND HIS TWO AMERICAN COLLEAGUES IN THE CASE, AND WE HOPE THA THE LOWER AND SUPERIOR CURTS WILL REFLECT THIS IN THEIR DECISIONS, WHICH ARE STILL REQUIRED TO COMPLETE ACTION UNDER BOLIVIAN LAW. WE AND THE BOLIVIAN GOVERNMENT ARE PRESSING FOR PROMPT COURT DECISIONS. THE LOWER COURT HAS NOW AGREED TO PROCEED WITH A DECISION IN THE CASE OF TOM AN HIS AMERICAN COLLEAGUES EVEN IF THE DEFENSE OF A NON-AMERICAN PARTY IN THE CASE IS NOT YET COMPLETED. ALLMY ONSULAR PERSONNEL, BY DEPUTY AND MYSELF, AS WELL AS SOME OF MY POLITICAL OFFICERS, ARE GOING TO DEVOTE MUCH OF OUR TIME TO THE TASK OF PUSHING, AND HELPING, THE BOLIVIAN AUTHORITIES TO ACCELERATE THE PROCESS OF JUSTICE FOR TOM AND 39 OTHER AMERICANS NOW IMPRISONED IN BOLIVIA.

YOU HAVE SAID THIS ALONE IS NOT ENOUGH AND YOU ARE RIGHT. BEYOND ACCLERATIN THE JUDICIAL PROCESS IN SPECIFC CASES, WHAT IS NEEDED IS A BETTER SYSTEM THAT WILL ASSURE DUE PROCESS ND HUMANE JUSTICE FOR PRESENT AND FUTURE AMERICAN AND BOLIVIAN DETAINEES CHARGED WITH NARCOTICS OFFENSES. LIMITED OFFICIAL USE

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AFTER MY INTENSIVE CONVERSATIONS HERE IN THE LAST THREE WEEKS, I AM CONVINCED THAT THIS CAN BE DONE. I HAVE HAD TO ONG CONVERSATIONS ON THE PRISONER PROBLEM WITH PRESIDENT BANZER AND HREE WITH MINISTER OF ITERIOR PEREDA. I HAVE CONSULTED WITH MANY DISTIGUISHED BOLIVIA JURISTS AND IN LA PAZ, SANTA CRUZ, AD COCHABAMBA WITH PRISON GOVRNORS, THE JUDGES, PROSECUTORS AND DEFENSE ATTORNEYS INVOLVED IN NARCOTICS CASES,AS WELL AS THE REPRESENTATIVES OF THE SUPREME COURT OF BOLIVIA. I FIND AMONGTHESE OFFICIALS AND PROFESSIONALS A NEW AWARENESS OF THE PROBLEM AND DETERMINATION TO DEAL WITH IT. PRESIDENT CATER'S RAISINGTHE PRISONR PROBLEM WITH PRESIDENT BANZER, MY TELLINGHIM THAT THEREPUTATION OF BOLIVIA IS AT STAKE, ASWELL AS THE SENATE FOREIGNRELATIONS COMMITTEE HEARINGS, HAVE ALL HELPEDIN THIS.

YOU'VE REFERRED TO VIOLATION OF HUMAN RIGHTS. I BELIEVE THA THE MAJOR VIOLATION OF HUMAN RIGHTS STEMS FROM THE BOLIVIAN NARCOTICS LA ITSELF. EVERY BOLIIAN WILL TELL YOU THAT THIS LAW WAS ADOPTED HURRIEDLY AND UNDER PRESSURE FROM TE PREVIOUS US ADMINISTRATION. IT VIRTUALLY SUSPENDS THE PROCEDURES AND GUARANTIES OF DUE PROCESS PROVIDED IN

THE BOLIVIAN PENAL CODE FOR COMMON CRIMES. IT PRESCRIBES A
PROCEDURE UNDER WHICH THE SMALL OFFENDER AND THE PARTY
CHARGED ON INSUFFICIENT EVIDENCE ARE SORTED OUT AT THE END,
RATHER THAN AT THE BEGINNING, OF THE LONG JUDICIAL PROCESS.
MANY BOLIVIAN JURISTS AND OFFICIALS WHO HAVE DEALT WITH THIS
LAW ARE AWARE OF THIS PROBLEM AND WANT TO REMEDY IT BY
CHANGING WHAT THEY VIEW AS AN ALIEN LAW.

I AM HAPPY TO REPORT THAT THE BOLIVIAN CABINET THIS WEEK
APPOINTED A HIGH-LEVEL COMMITTEE OF DISTINGUISHED JURISTS AND
OFFICIALS TO RECOMMEND WITHIN 60 DAYS REFORM OF THE NARCOTICS
LAW. THIS IS A STEP THAT OFFERS GREAT PROMISE FOR BOLIVIA
AND AMERICAN PRISONERS.

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SECOND, I AM HOPEFUL THAT AMERICANS GRANTED PAROLE
(AT LEAST EIGHT SHOULD BE GRANTED PAROLE SHORTLY) WILL
BE ABLE TO LEAVE BOLIVIA.

THIRD, THE BOLIVIAN GOVERNMENT HAS JUST INDICATED THAT IT
IS IN PRINCIPLE PREPARED TO NEGOTIATE WITH U.S. A TREATY FOR EXCHANGE
OF PRISONERS SIMILAR TO THE US-MEXICAN TREATY. IF WASHINGTON
AUTHORIZES ME TO PROCEED WITH THIS NEGOTIATIONS, THIS WOULD
ENABLE RETURN TO THE US OF THOSE AMERICANS NOW SERVING
SENTENCES IN BOLIVIA.

THERE IS ONE PITFALL IN THIS HOPEFUL SERIES OF DEVELOPMENTS.
I'M AFRAID THE BOLIVIAN PUBLIC DISPLAYS ABSOLUTELY NO SYMPATHY
FOR NARCOTICS OFFENDERS. THE WIDESPREAD PRESUMPTION IS THAT
THEY DESERVE NO BETTER THAN THEY ARE GETTING. AS WE ENTER
THE PRE-ELECTORAL PERIOD LAUNCHED BY PRESIDENT BANZER'S CALL
LAST NIGHT FOR ELECTIONS IN JULY, THIS ATMOSPHERE HAS TO

AFFECT OUR JUDGEMENT OF HOW WE CAN BEST REALIZE THE POTENTIAL OF THE DEVELOPMENTS NOW UNDERWAY. UNTIL THE BOLIVIAN PUBLIC AND PRESS APPRECIATE MORE FULLY THE HUMANITARIAN ASPECT OF THE PRISONER PROBLEM, I FEEL A PUBLIC, HIGH-LEVEL PUSH ON THE GOVERNMENT WILL INEVITABLY GENERATE GREAT COUNTERPRESSURE ON THE GOVERNMENT TO RESIST ANY CHANGE. I, THEREFORE, HAVE RELUCTANTLY COME TO THE CONCLUSION THAT LIMITED OFFICIAL USE

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A HIGH-LEVEL US MISSION TO NEGOTIATE ON AMERICAN PRISONERS COULD ARREST THE HOPEFUL PROGRESS NOW RAPIDLY GAINING MOMENTUM AND THAT SUCH A MISSION NOW WOULD NOT BE IN THE BEST INTERESTS OF THE AMERICAN PRISONERS.

I AM GIVING YOU MY BEST JUDGMENT IN ALL CANDOR BECAUSE I KNOW FROM OUR PREVIOUS CONTACTS THAT THIS IS WHAT YOU WOULD EXPECT OF ME--AND BECAUSE I KNOW THAT YOUR OBJECTIVE AND MINE IS THE SAME, TO GET RELIEF FOR AMERICAN PRISONERS IN BOLIVIA. I FEEL A LOT CAN, AND NEEDS TO BE, DONE IN THE NEXT 60-90 DAYS ON THIS IMPORTANT PROBLEM. I BELIEVE THAT THE BEST WAY TO ACHIEVE ALL WE CAN IS THROUGH THE DECISIONS AND DEVELOPMENTS THAT HAVE BEEN LAUNCHED HERE IN RECENT WEEKS.

I LOOK FORWARD TO HEARING FROM YOU AND OUR SENATE FOREIGN RELATIONS COMMITTEE COLLEAGUES REGARDING ANY SUGGESTIONS OR CONCERNS YOU MAY HAVE REGARDING MY FURTHER EFFORTS HERE OR ANY ASPECT OF THE PRISONER PROBLEM OR US - BOLIVIAN RELATIONS. SINCERELY YOURS, PAUL H. BOEKER
BOEKER

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